

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

PJCs – Appeal petition filed by the Secretary & Correspondent, Narayana Educational Society, Hanumanthapuram, Nellore, against the Proc. Rc.No.08/Spl./E2-1/2008-09, dt. 23-6-2008 of B.I.E.,A.P. Hyderabad – Hearing on the appeal petition on 2-12-2008 – Orders of Secretary, Board of Intermediate Education, A.P., Hyderabad – Set aside – Orders – Issued..

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HIGHER EDUCATION (IE.II-2) DEPARTMENT.

G.O.Rt.No. 1175

Dated: 16-12-2008.

Read the following:-

1. From the Secretary, BIE., A.P., Hyd., Lr.Rc.No.08/Spl. /E2-1 /2008-09, dated 23-6-2008.
2. From the Secretary, Narayana Educational Society, Haranathapuram, Nellore, dated 31-7-2008.
3. High Court of A.P. Interim Orders dated 6.8.2008 in W.P.M.P. No.21916 of 2008 in W.P. No.16873 of 2008
4. Notice No.10899/IE.II-2/2008-2, dated 27-11-2008.

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**ORDER:-**

The Secretary, Board of Intermediate Education, A.P., Hyderabad has stated that the R.I.O., R.R. District has reported that Kum. K. Deepthi, D/o Mohan Reddy, R/o Proddatur has joined in Narayana Junior College, Kukatpally, R.R.District (College Code:15251) on 11-5-2008 for Intermediate second year and stayed in the hostel till she committed suicide. Hence it is clear that the college has admitted students on TC basis for the academic year 2008-09 prior to the reopening of the junior colleges. She has studied Intermediate first year at Proddatur, Kadapa District. The inadequate safety measures and negligence of the management have led to the death of Kum. K. Deepthi while conducting classes during summer vacation which is against Board Rules. Thus the management has committed the following irregularities:-

- a) Running the classes during summer vacation
- b) Running hostel without proper permission
- c) Not adhering to the academic schedule
- d) Admitting students in II year prior to the reopening of the college.
- e) Subjecting students to mental stress and agony in summer.
- f) Not provided adequate safety measures where large numbers of students are kept.

2. The Secretary, Board of Intermediate Education, Hyderabad has therefore issued a show cause notice to the Secretary/Correspondent, Narayana Educational Society, Haranathapuram, Nellore asking them to explain why Narayana Junior College, Kukatpally, R.R. District should not be derecognized and disaffiliated for violation of rule 14 (7) (a) of G.O.Ms.No.29 Education (Rules) Department, dated 5-2-1987 while directing him to submit his explanation within 10 days from the date of receipt of the show cause notice, failing which it will be construed that there is no explanation to offer and action will be taken based on the material available on record.

3. In reply to show cause notice, the Secretary/Correspondent, Narayana Junior College, Kukatpally has submitted his explanation stating that the college building is having more than sufficient accommodation with adequate ventilation and having sufficient water supply with independent bathrooms. All the rooms are provided with sufficient number of fans. More over, it is the usual practice in the State to make hostel admissions on the pressure of the parents for safety of

girls students as well as boy students and forced to run attached hostels for the college students and assured that the same mistake shall not be repeated in future and also requested the Board authorities to consider the above and favourable action may be taken in this regard.

4. The Secretary, B.I.E., vide his Proceedings dated 23-6-2008 has withdrawn the affiliation and recognition granted to Narayana Junior College, Kukatpally, R.R. District as and directed the Secretary/ Correspondent/ Principal, Narayana Junior College, Kukatpally, R.R. District not to make any fresh admissions in first and second year Intermediate course from the academic year 2008-2009.

5. Aggrieved by the above orders, the Secretary, Narayana Educational Society, Nellore, vide his representation second read above, has requested the Government to consider and allow them to continue the Intermediate students who were admitted in the Narayana Junior College (College code 15251), Bhagyanagar Colony, Kukatpally, R.R. District during the academic year 2008-09 on humanitarian grounds.

6. In the meanwhile, the Secretary & Correspondent Narayana Educational Society, Hanumanthapur, Nellore has filed W.P.No.16873 of 2008 in the Hon'ble High Court of A.P., Hyderabad praying the Hon'ble Court to suspend the Proceedings Rc.No.08/Spl./E2-1/2008-09, dated 23-6-2008 issued by Board of Intermediate Education, Hyderabad (disaffiliating the Narayana Junior College) pending disposal of the W.P. The Hon'ble High Court, A.P. in its Interim Order third read above has directed as follows:-

"Learned Counsel appearing for the petitioner submits that the petitioner filed appeal petition before the first respondent and the same is pending.

Such is the situation; I deem it appropriate to direct the first respondent to consider the appeal petition filed by the petitioner on 31-7-2008 and pass appropriate orders. Till passing of the appropriate orders on the appeal petition, the proceedings impugned in the Writ Petition shall remain suspended."

7. Pursuant to the above direction of Hon'ble High Court of A.P., Government have decided to hear the appeal petition. Accordingly, Government has issued notices to the concerned parties. On the request of the Vice-Chairman, Narayana Educational Society, the hearing was fixed on 2-12-2008 at 3.00 P.M. The concerned parties attended the hearing on the above date.

8. During the hearing, the counsel for the appellants, Narayana Educational Society has submitted his arguments as follows:

- i) No enquiry was conducted
- ii) The impugned order is not a speaking order
- iii) As per Rule 11 (2) of G.O.Ms.No.29 Education (Rules) dt. 5-2-1987, reasonable time to rectify the defects not given by the authorities and
- iv) The Board of Intermediate Education has undertaken on empty formality and cancelled the affiliation

9. The matter has been examined keeping in view the rules, directions of the Hon'ble High Court of A.P., and the material papers and observed that:-

10. Under Rule 11 (i) of Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Institutions of Higher Education) Rules, 1987, issued vide G.O.Ms.No.29 Education (Rules) Dept., dated 5-2-1987, the affiliation of an educational institution can be withdrawn on the grounds of failure to fulfill any of the conditions prescribed in the permission.

In this case the ground on which the impugned proceedings of the Secretary, Board of Intermediate Education, Hyderabad withdrawing the affiliation was issued was not a condition prescribed in the letter of affiliation. The Educational Institution has given its explanation dated 10-8-2008 to the show cause notice dt. 27-5-2008 stating that it would not repeat the mistake in future. Hence, there was no immediate urgency for canceling the affiliation especially when such cancellation seems to be a grossly harsh decision disproportionate to the alleged defect i.e., holding classes during the summer vacation. Further closure of an Educational Institution takes away a very important social infrastructure for the community at large and therefore should be ordered only as a matter of last resort for extreme irregularities endangering public safety or security or for gross violation of condition of affiliation which remain unrectified despite giving reasonable opportunity.

11. Therefore, in the circumstances stated above, the Government after careful examination of the matter, hereby set aside the impugned orders of Secretary, Board of Intermediate Education, A.P., Hyderabad issued vide Proceedings Rc.No.08/Spl/E2-1/2008-09, dated 23-6-2008, and instead a fine of Rs.50,000/- (Rupees fifty thousand only) is imposed on the appellant institution for deviation from the academic schedule prescribed by the Board of Intermediate Education.

12. The Secretary, Board of Intermediate Education, A.P., Hyderabad shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA,  
PRINCIPAL SECRETARY TO GOVERNMENT.

To  
The Secretary, Board of Intermediate Education, A.P., Hyderabad.  
The Secretary & Correspondent, Narayana Educational Society, Hanumantha  
puram, Nellore.  
Copy to:  
P.S. to Principal Secretary (HE)  
Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER.